

## **MINUTES OF MEETING**

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, May 11, 2007 in the City of Las Vegas Council Chambers at 400 Stewart Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 9:30 AM:

Stephanie Youngblood, DC, President  
Ian Yamane, DC, Secretary  
Curtis Potts, DC, Member

Dr. Youngblood determined that a quorum was not present and the call to order was postponed. At 10:05 AM Dr. Youngblood noted the arrival of Vice President Dr. Maggie Colucci and declared that a quorum was present. The meeting was called to order. Also present were Deputy Attorney General David Newton and CPBN Executive Director Cindy Wade.

Dr. Stephanie Youngblood led those present in the Pledge of Allegiance.

### **Agenda Item 1 APPROVAL OF AGENDA**

Dr. Colucci moved for approval of the agenda. Dr. Youngblood seconded and the motion passed unanimously.

### **Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)**

There was no public interest comment.

### **Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: April 13, 2007**

Dr. Potts moved for approval of the April 13, 2007 minutes. Dr. Yamane seconded the motion. Dr. Colucci requested that the comments made under Agenda Item 15 be more specifically recorded. Dr. Potts amended his motion to approve the minutes with an amendment to more specifically record the comments that were made under Agenda Item 15. Dr. Yamane seconded the amended motion and it passed unanimously.

### **Agenda Item 8 Discussion/possible action regarding approval of application for DC licensure of Casey D. Robinson, DC.**

There has been no response received to Executive Director Wade's request for certification of Dr. Robinson's good standing signed by the Secretary of the California Board.

**Agenda Item 8** (cont'd)

Dr. Potts explained that he intervened in this matter because he was sympathetic to Dr. Robinson's situation. He contacted the Acting Executive Director of the California Board who sent a letter stating that Dr. Robinson is in good standing. Dr. Yamane moved for approval of Dr. Robinson's application. Dr. Potts seconded and the motion passed unanimously.

**Agenda Item 11 Reports (Non-Action):**

**A. Attorney**

Attorney Elizabeth Foley reported verbally by speakerphone on the progress of current disciplinary matters. Complaints 05-6, 06-1 and 05-8 will be addressed at the June 1-2, 2007 meeting. Complaints 00-31, 00-36, 01-5, 01-13, 01-14, 04-7 and 04-11 will be addressed at the July 13-14, 2007 meeting. There will be no meeting in August. Complaints 02-26, 05-7 and 05-16 will be addressed at the September 14-15, 2007 meeting. Complaints 05-26 and 05-29 will be addressed at the October 12-13, 2007 meeting.

**B. Investigator**

There was no comment with respect to Investigator Gina Crown's written report.

**Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:**

**A. Bank balance as of May 1, 2007**

**B. Income/Expense Report: July 1, 2006 through May 1, 2007**

**C. Accounts Receivable as of May 1, 2007**

**D. Accounts Payable as of May 1, 2007**

**E. Extraordinary Items/Items of Concern**

Cindy Wade distributed a draft of the proposed 2007-08 budget and noted that the Board's reserves are being depleted due to the legal and investigatory costs of the ongoing disciplinary proceedings. She requested that Board members send her their suggestions for modifications of next year's budget in anticipation of a biennial budget for the period 2008-2010. The finalized 2007-08 proposed budget will be addressed at the next meeting. Dr. Yamane moved for approval of the Board Financial Reports. Dr. Colucci seconded and the motion passed unanimously.

**Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:**

**A. Status of Complaints Received**

**B. Status of Current Probations**

**C. Legal/Investigatory:**

**1. Costs assessed since last report**

**2. Costs assessed year-to-date**

**3. Costs collected since last report**

**4. Costs collected year-to-date**

Dr. Youngblood moved for approval of the Executive Director Reports. Dr. Yamane seconded the motion and it passed unanimously.

**CONSENT CALENDAR**

All items shall include discussion and possible action. Consent items may be pulled at the request of the Board members wishing to have an item or items further discussed. When items are

pulled for discussion, they will be automatically placed at the beginning of the Administrative Agenda.

May 11, 2007 Meeting Minutes

Page 3

### **Consent Calendar (Cont'd)**

#### **Agenda Item 6 Approval of Dr. Jeffrey Andrews as Compliance Monitor for probations of Drs. Aaron and Kenneth Fust.**

Dr. Yamane moved for approval of the Consent Calendar. Motion was seconded by Dr. Youngblood and passed unanimously.

### **ADMINISTRATIVE AGENDA**

The following items are scheduled for public hearing. The Chairperson will read the Agenda listing into the public record. Staff will present a summary of the staff report and recommendations, including updated information that was received after the date when staff reports were distributed. The Board will follow with questions of staff. The Chairperson will then open the hearing to public testimony.

#### **Agenda Item 9 Approval of publication of Letters of Public Instruction.**

Dr. Yamane moved to deny publication of letters of public instruction. Dr. Potts seconded and the motion passed unanimously.

#### **Agenda Item 11 Reports (Non-Action) (Cont'd):**

##### **C. Committees**

The Continuing Education and Test Committee Chairs had nothing new to report. There was discussion regarding the lobbyist's report on current legislation and the progress of the Board's bill, SB19. Dr. Potts stated that he has been in contact with Lobbyist Susan Fisher regarding drafting of a regulation to establish a preceptorship program, however, statutory authority may need to be determined for this to be included in the current rule-making.

#### **Agenda Item 12 Correspondence Report (Non-Action)**

Executive Director Cindy Wade reported on letters currently sent and received. She emphasized the need for reporting within 30 days of the effective date of disciplinary matters to the National Practitioners Databank via the FCLB Cin-Bad program.

The Board instructed Ms. Wade to respond to an inquiry from a licensee that recommendation of bio-identical hormones is within the chiropractic scope of practice.

#### **Agenda Item 10 Discussion/possible action regarding development of regulation changes for future Workshop including, but not limited to:**

##### **A. Scope of Practice**

Dr. Youngblood advised that this matter needs to be addressed with extreme caution. She appointed a committee of Drs. Colucci and Yamane and herself to use the current scope of practice list as a working document to formulate a proposed regulation.

##### **B. Definition of license "good standing"**

Dr. Yamane moved to approve the proposed new regulation, "Good standing, defined". Dr. Youngblood seconded and the motion passed unanimously.

##### **C. NAC 634.200 Amount; refunds**

##### **Proposed revisions pursuant to pending legislative changes**

Dr. Yamane moved to approve the proposed revisions to NAC 634.200 provided the Board's

legislative bill is passed. Dr. Potts seconded and the motion passed unanimously.

**Agenda Item 12 (Cont'd)**

**D. NAC 634.380 Notification of Board regarding address of legal residence and mailing address**

Dr. Potts moved to approve the proposed change to NAC 634.380. Dr. Yamane seconded the motion and it passed unanimously. It was noted that "mobile chiropractic" should be defined.

**E. NAC 634.385 Continuing education of licensees**

**Proposed revision pursuant to pending legislative changes**

Dr. Youngblood moved to approve the proposed change to NAC 634.385 provided the Board's legislative bill is passed. Dr. Yamane seconded the motion and it passed unanimously.

**F. Deletion of NAC 634.387 Restoration of suspended license.**

Dr. Yamane moved to approve the deletion of NAC 634.387. Dr. Potts seconded the motion and it passed unanimously.

**G. NAC 634.435 Health care records**

**Update to include notification of change of location of patient records**

Dr. Yamane moved to deny the proposed update of NAC 634.435. Dr. Youngblood seconded the motion and it passed unanimously.

**H. Update of record-keeping regulations to reference Medicare standards**

Dr. Youngblood moved to deny the proposed update of the record-keeping regulations. Dr. Yamane seconded the motion and it passed unanimously.

**I. Update NAC 634.360(1) to agree with the requirement for CAs to apply with 15 days under NAC 634.350(1)**

Dr. Yamane moved to approve the proposed update of NAC 634.360(1). Dr. Potts seconded the motion and it passed unanimously.

**J. Any other changes, additions or deletions**

Ms. Wade asked if the Board still has an interest in deleting NAC 634.440 with respect to regulation of referral bureaus. Following discussion, Dr. Yamane moved to approve deletion of NAC 634.440. Dr. Potts seconded the motion and it passed unanimously. Dr. Yamane moved that the phrase "or a referral bureau for licensees" be deleted from NAC 634.541. Dr. Youngblood seconded the motion and it passed unanimously.

**Agenda Item 13 Board Member Comments (Non-Action)**

Dr. Colucci reported on the FCLB/NBCE Annual Meeting in St. Louis. She recommended that the Board establish an Advisory Committee for processing of complaints, investigations and disciplinary actions. Dr. Colucci also suggested that the Board consider giving the law test on-line and requiring that new licensees attend an in-person orientation with the Board.

**Agenda Item 7 Administrative hearing/possible settlement agreement in the matter of James T. Overland, Jr., DC, License No. B526.**

CPBN attorney Elizabeth Foley, Investigator Gina Crown and Dr. James T. Overland, Jr., were present. It was noted that on April 23, 2007 attorney Samuel Benham sent a letter of withdrawal as Dr. Overland's counsel.

Dr. Colucci stated that the terms of the proposed settlement are the minimum that she would accept for presentation to the Board. She recused herself from this matter because she was the Investigating Board Member.

Ms. Foley presented the terms of a proposed Agreed Settlement to which Dr. Overland has agreed. Dr. Overland expressly consented to the following terms of the settlement.

**Agenda Item 7** (Cont'd)

Dr. Potts moved to approve an Agreed Settlement with the following terms and conditions: Dr. Overland shall pay a \$10,000 fine by August 12, 2007 and prior to reactivation of his license, and the fine shall be reported to the National Practitioners Data Bank; he shall reimburse the Board for all of its costs incurred in this matter through May 11, 2007, one-half of which will be paid by August 12, 2007 with the balance to be paid in the monthly amount of \$1,666.66 beginning on September 12, 2007 and continuing until paid in full; Dr. Overland's license will be suspended for one year beginning on August 12, 2007; following completion of the suspension he will be placed on probation for three years with his practice monitored by a Compliance Officer who will be paid by Dr. Overland; he shall comply with all subpoenas served upon him; he shall complete within twelve months the National Board on-line ethics seminar and twelve hours of continuing education on the subject of record keeping; he shall sign the formal Agreed Settlement in which he will admit to inadequate record keeping; and he shall sign a Confession of Judgment and Security Agreement in which he will agree to pay the fine and all costs assessed. Mr. McCann seconded. The motion passed with all in favor except Dr. Colucci, who recused.

**NON-ACTION ITEMS:**

**Agenda Item 14 Public Comment.**

Gina Crown voiced her concerns about some of the representations made relative to the Agreed Settlement with Dr. Overland, Jr., and stated that she disagrees with the Board's decision in this matter.

**Agenda Item 15 Adjournment.**

Dr. Potts moved for adjournment of the meeting. Dr. Yamane seconded and the motion passed unanimously.

Approved: June 1, 2007

Ian K. Yamane, DC, Secretary